

3:22-mj-00224

DISTRICT OF OREGON, ss:

AFFIDAVIT OF CHELSEA S. BARKER

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Chelsea S. Barker, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since August 1, 2021. My current assignment is to the Portland Field Office, Salem Resident Agency and I am part of the Marion County Violent Crime Task Force. As a federal agent, I am authorized to investigate and make arrests for violations of federal law set forth in Titles 18 and 21 of the United States Code, and to apply for federal search warrants. I graduated from the FBI Academy at Quantico, Virginia, after completing a 20-week course of instruction. I have acquired knowledge and information about criminal conduct and investigation from many sources, including formal and informal training, other law enforcement officers, investigators, persons whom I have interviewed, and my participation in investigations. Through my training and experience, I have become familiar with the manner in which members of a criminal enterprise communicate and use electronic communications to store, transmit, and distribute information to one another and how they plan, organize, and carry out criminal activity. I have investigated matters involving the sexual exploitation of children, illegal narcotics and related criminal activities, and other criminal acts. As part of my duties as a federal agent, I work with local, state, and other federal agencies on joint investigations of federal offenses, to include those involving illegal narcotics and related criminal activities.

Purpose of Affidavit

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Leonel Covarrubias Hernandez (hereinafter **COVARRUBIAS**) and Silvia Rodriguez Diaz (hereinafter **RODRIGUEZ**), for committing the crimes of Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C § 841(a)(1); Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C § 846; and Possession of a Firearm in Furtherance of Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c). As set forth below, there is probable cause to believe, and I do believe, that Leonel Covarrubias Hernandez and Silvia Rodriguez Diaz committed the above listed offense.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

Applicable Law

4. Title 21, United States Code, Sections 841(a)(1) and 846 provides that it is unlawful to distribute and possess with the intent to distribute controlled substances, and to conspire to do so. Title 18, United States Code, Section 924(c) provides that it is unlawful for someone to possess a firearm in furtherance of a drug trafficking crime.

Statement of Probable Cause

5. Cooperating Defendant (hereinafter referred to as “CD”) was investigated in January 2022 for drug trafficking related offenses. CD has 2016 felony convictions for Hindering Prosecution, First Degree Theft, and Unlawful Delivery of Heroin, and a 2017 felony conviction for First Degree Theft. CD is cooperating in exchange for potential consideration on future charges and/or sentencing decisions. Investigators have been able to independently corroborate some of the information CD has provided to law enforcement.

6. In July 2022, CD identified a Hispanic male who goes by the name “Leo” as a distributor of counterfeit oxycodone pills containing fentanyl, methamphetamine, heroin, and cocaine. CD told investigators they were introduced to “Leo” by another individual and after meeting “Leo,” “Leo” offered to sell CD counterfeit oxycodone pills, methamphetamine, and heroin. CD told investigators “Leo” also provided CD with his phone number to call when CD was interested in buying drugs. CD provided “Leo’s” phone number to investigators. CD also told investigators that CD had observed “Leo” operating different vehicles.

7. Investigators believe “Leo” is **COVARRUBIAS**, whom investigators have become familiar with through another investigation. The name, physical description, and criminal activity of “Leo” is very similar, if not the same, to that of the **COVARRUBIAS**. Additionally, investigators compared a photo CD provided of “Leo” to the Department of Motor Vehicle (DMV) photo of **COVARRUBIAS** and believe the photographs are of the same person. CD also identified a DMV photo of **COVARRUBIAS** as “Leo.” Following **COVARRUBIAS**’s detainment during the traffic stop described below, investigators recovered a driver’s license in the name of Leonel Covarrubias Hernandez from his person.

First Controlled Buy

8. During the week of August 22, 2022, investigators instructed CD to contact **COVARRUBIAS** and arrange a time and location to meet **COVARRUBIAS** and purchase counterfeit oxycodone pills. In investigators' presence, CD made a recorded call to **COVARRUBIAS** and arranged to purchase counterfeit oxycodone pills from him. During this recorded call, **COVARRUBIAS** agreed to the deal and further agreed to meet CD at a parking lot in Salem, Oregon, to complete the transaction. Investigators watched CD while they met with **COVARRUBIAS** at the parking lot. During the drug deal, investigators observed CD enter a vehicle **COVARRUBIAS** was driving and exit a short time later.

9. Following the controlled purchase, investigators met with CD. CD handed investigators a clear plastic baggie containing more than 100 round blue M30 pills, which I know from my training and experience to be counterfeit oxycodone pills that are commonly manufactured with fentanyl. Additionally, CD later identified **RODRIGUEZ** as the front seat passenger in a DMV photograph provided by investigators.

10. CD told investigators that when **COVARRUBIAS** arrived at the meet location, CD got into the back passenger-side seat of **COVARRUBIAS**'s vehicle, placed the pre-recorded currency on the center console and then **RODRIGUEZ** gave CD the suspect counterfeit oxycodone pills.

Second Controlled Buy

11. During the week of August 29, 2022, investigators instructed CD to contact **COVARRUBIAS** and arrange a time and location to meet him and purchase a quantity of counterfeit oxycodone pills. In investigators' presence, CD made a recorded call to

COVARRUBIAS and arranged to purchase a quantity of oxycodone pills. During this recorded call, **COVARRUBIAS** agreed to the deal and further agreed to meet CD at a parking lot in Salem, Oregon. Investigators watched as CD met with **COVARRUBIAS** at the parking lot. During the drug deal, investigators observed CD enter a vehicle **COVARRUBIAS** was driving and exit a short time later.

12. During a debrief with CD, CD handed investigators a clear plastic baggie containing more than 100 round blue M30 pills, which I know from my training and experience to be counterfeit oxycodone pills that are commonly manufactured with fentanyl.

13. CD told investigators that when **COVARRUBIAS** arrived at the meet location, CD got into the back passenger-side seat of **COVARRUBIAS**'s vehicle, placed the pre-recorded currency on the center console and then **RODRIGUEZ** gave CD a baggie of the suspect counterfeit oxycodone pills.

Third Controlled Buy

14. During the week of October 24, 2022, investigators instructed CD to contact **COVARRUBIAS** to arrange a time and location to meet him and purchase counterfeit oxycodone pills. CD made a recorded call to **COVARRUBIAS** and arranged to purchase a quantity of counterfeit oxycodone pills from him. During this recorded call, **COVARRUBIAS** agreed to the deal and further agreed to meet CD at a parking lot in Salem, Oregon, to complete the transaction. Investigators watched as CD met with **COVARRUBIAS** in the parking lot. During the drug deal, investigators observed CD enter a vehicle **COVARRUBIAS** was driving and exit a short time later.

15. Following the transaction, CD met with investigators. CD told investigators that when **COVARRUBIAS** arrived at the meet location, CD got into the front passenger seat of **COVARRUBIAS**'s vehicle. CD told investigators **RODRIGUEZ** was in the vehicle and exchanged the pre-recorded currency for the counterfeit oxycodone pills with CD.

Surveillance Week of October 27, 2022

16. During the week of October 27, 2022, investigators monitoring geolocation data from **COVARRUBIAS**'s cell phone observed the phone in the area of High Street Southeast and Fairview Avenue Southeast Salem, Oregon, on a number of occasions in close proximity to the residence located at 2755 High Street Southeast, Salem, Oregon.

17. On October 28, 2022, investigators located vehicles associated with **COVARRUBIAS** and **RODRIGUEZ** parked within the driveway of the residence located at 2755 High Street Southeast, Salem, Oregon. Since the week of October 27, 2022, until December 27, 2022, investigators observed **COVARRUBIAS** and **RODRIGUEZ** coming and going freely from this residence multiple times a week. The previously observed geolocation data from **COVARRUBIAS**'s cellphone was also in close proximity to this residence during this time.

Garbage Pull

18. On December 8, 2022, investigators obtained and searched trash recovered from waste bins located at the residence at 2755 High Street Southeast, Salem, Oregon. During the search, investigators found multiple medium sized clear plastic bags marked with a handwritten number "30." Based on my training and experience, I know Mexican-based drug trafficking organizations intentionally mark or label drugs contained in wholesale packaging to specify

destination, amount and/or type of drug. Investigators located one blue pill stamped with “M” and “30” wrapped inside multiple clear plastic baggies commonly used to package narcotics. I know, from my training and experience, that such blue “M/30” pills are commonly counterfeit oxycodone pills containing fentanyl.

19. Investigators also located a quart sized zip lock bag with residue of a crystalline substance and a gallon sized plastic bag with brown residue. When field tested, the residue of the crystalline substance returned a presumptive positive for amphetamines and the brown residue returned a presumptive positive for heroin.

20. Furthermore, investigators found mail and receipt items with the name “Silvia Rodriguez,” one of which included the address of 2755 High Street Southeast, Salem, Oregon.

Traffic Stop

21. On December 27, 2022, investigators observed **COVARRUBIAS** and **RODRIGUEZ** both exit the residence located at 2755 High Street Southeast, Salem, Oregon, and enter a Toyota 4Runner parked in the driveway of the residence. Investigators followed the vehicle and conducted a traffic stop. Investigators observed **COVARRUBIAS** in the driver’s seat and **RODRIGUEZ** in the back passenger-side seat. During this traffic stop, investigators searched a purse inside the vehicle and seized approximately 478 grams of blue M30 pills suspected to contain fentanyl, approximately \$11,284 in US currency, and a loaded North American Arms .22 Magnum handgun. The purse was located near **RODRIGUEZ** and also contained her identification card. Investigators also recovered a Phoenix Arms .22 Long Rifle handgun within **COVARRUBIAS**’s reach in the center console of the vehicle and approximately 20 grams of counterfeit oxycodone pills suspected to contain fentanyl from **COVARRUBIAS**’s

pocket. Investigators did not field test the counterfeit oxycodone due to officer safety concerns.

A short time prior to the stop, investigators also observed a second male enter the front passenger seat of the vehicle while the vehicle was at the location in which the traffic stop took place.

Investigators discovered this male was meeting with **COVARRUBIAS** and **RODRIGUEZ** to purchase narcotics.

Search Warrant

22. On December 27, 2022, investigators executed a federal search warrant issued in the District of Oregon, (case number 3:22-mc-1161 A), on the premises located at 2755 High Street Southeast, Salem, Oregon. During the execution of the search warrant, investigators seized the following items:

- Approximately 13,244 grams of methamphetamine (field tested presumptive positive for amphetamines)
- Approximately 5,080 grams of blue M30 pills suspected to contain fentanyl (not field tested due to officer safety concerns)
- Approximately 5,624 grams of cocaine (field tested presumptive positive for cocaine)
- Approximately 1,088 grams of heroin (field tested presumptive positive for heroin)
- Approximately \$43,979 dollars in US currency
- 24 firearms, including at least one FN AR-style semi-automatic rifle manufactured in Columbia, South Carolina, and at least one Glock 17 9mm.



Above is a photograph of the majority of contraband seized during the traffic stop and the execution of the premises warrant

23. I know that drug traffickers are increasingly selling little round blue counterfeit prescription pills that are manufactured with fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide), a Schedule II controlled substance. These counterfeit pills are designed to replicate real 30 mg Oxycodone Hydrochloride pills, which are round, blue in color, and stamped with an “M” and “30” on them. A typical M30 pill weighs around 1/10 of a gram (.1 gram). Drug dealers regularly counterfeit these pills and, while attempting to replicate the round shape, the blue color, and the stamp of “M” and “30,” they are instead manufacturing

these pills with fentanyl as the active ingredient. The counterfeit pills, while looking roughly similar to the real thing can often be distinguished based upon their appearance. The counterfeit M30 pills often have a different shade of blue than the real thing and sometimes they are even manufactured in different colors, the edges of the pills and the stamped impressions are often rough and lack the precision of a real 30 mg oxycodone Hydrochloride pill, and sometimes the counterfeit pills will crumble easily under pressure. I have seen and seized tens of thousands of these counterfeit M30 pills and lab reports have confirmed the presence of fentanyl within the samples sent for forensic analysis. I know a user amount of a counterfeit M30 pill is often one pill, which can either be ingested or burned and inhaled. I know some addicts will smoke up to 10 to 30 pills a day. I know that a person possessing approximately 5,578 grams of suspected M30 fentanyl pills does not possess those pills for personal use but rather such a quantity indicates that they are possessed for purposes of further distribution.

24. I know, based upon my training and experience, that heroin is typically used in quantities of one-tenth (.1) to one-quarter (.25) of a gram, either intravenously or smoked. I know a gram of heroin on the street can sell for around \$50. Accordingly, I know that a person possessing over 1,088 grams of heroin does not possess it for personal use but rather such a quantity indicates that it is possessed for purposes of further distribution.

25. I know, based upon my training and experience, that methamphetamine is typically used in quantities of approximately one-tenth (.1) of a gram, either intravenously or smoked. Accordingly, I know that a person possessing over 13,244 grams of methamphetamine does not possess it for personal use but rather such a quantity indicates that it is possessed for purposes of further distribution.

26. I am also familiar with cocaine and how it is used and distributed. I know that cocaine is typically ingested by inhaling the powder or by burning/smoking it and inhaling the smoke. I know that cocaine is used in quantities of less than a gram at a time. Based upon my training and experience, I know that a person possessing approximately 5,624 grams of cocaine possesses it for purposes of distribution.

27. I know, from my training and experience, that firearms are “tools of the trade” for drug dealers and used in furtherance of their illegal drug dealing activities. I know that drug dealing is a very dangerous business and that drug dealers regularly arm themselves with firearms to protect themselves, their drugs, and their profits, thus ensuring they can continue their drug dealing activities.

Conclusion

28. Based on the foregoing, I have probable cause to believe, and I do believe, that Leonel Covarrubias Hernandez and Silvia Rodriguez Diaz, have committed the crimes of Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C § 841(a)(1); Conspiracy to Possess with Intent to Distribute Controlled Substance, in violation of 21 U.S.C § 846; and, Possession of a Firearm in Furtherance of Drug Trafficking Offense, in violation of 18 U.S.C. § 924(c). I therefore request that the Court issue a criminal complaint and arrest warrant for Leonel Covarrubias Hernandez and Silvia Rodriguez Diaz.

29. Prior to being submitted to the Court, this affidavit, the accompanying application, and the requested arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Bryan Chinwuba and AUSA Chinwuba advised me that, in his opinion, the

affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

/s/ Chelsea S. Barker By Phone

Chelsea S. Barker
Special Agent, FBI

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at
10:57 am on December 28, 2022.

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HONORABLE YOULEE YIM YOU
United States Magistrate Judge